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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,993	01/13/2004	Diane Wigo	WGO-100US	1466
31344	7590	06/16/2004	EXAMINER	
RATNERPRESTIA			MILLER, BENA B	
P.O. BOX 1596			ART UNIT	
WILMINGTON, DE 19899			PAPER NUMBER	

3712

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,993

Applicant(s)

WIGO, DIANE

Examiner

Bena Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Daiber.

Daiber teaches in the figures a convertible carrying case (10), flat bottom section four sides and top section when case is opened (fig.1) and a plurality of toy replica circuit training stations (15,16).

Regarding claim 7, Daiber further teaches a top section miniature wall (16, fig.5).

Regarding claim 10, Daiber further teaches that the plurality of stations is removable and reattachable (fig.5, par. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daiber.

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Daiber teaches most of the elements of the claimed invention. However, Daiber fails to teach compact disc player and computer processor to play recorded music, pliable plastic training stations, and the training stations magnetically attached to the carrying case. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a compact disc player and a computer processor to play music since it was known in the art that music is used with and in toys for creating excitement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the training stations of pliable plastic since it was known in the art that toys are made of pliable plastic to prevent injury to a child(ren) when playing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the training stations magnetically attach to the carrying case since it was known in the art that magnets are used to attach toys to other toys.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daiber in view of Meyer et al.

Daiber teaches most of the elements of the claimed invention except for a barbell and step benches. Meyer teaches an accessory set of gymnasium equipment for use with a figure toy. Meyer et al teaches a barbell (154) and step benches (110) used in the set of gymnasium equipment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a barbell (154) and step benches (110) as taught by Meyer with the facility of Daiber for the purpose of displaying a simulation of different equipment in use, and especially in view of Daiber

teachings that the invention is designed to provide a portable toy storage container which can be used to create a wide variety of play scenarios (col. 6, lines 7-9).

Claims 8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daiber in view of Chase.

Daiber teaches most of the elements of the claimed invention except for a removable drawer and a handle attached to the case. Chase teaches in the figures a collapsible storage play structure having a removable drawer (14) and handle (84). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a removable drawer and handle as taught by Chase to the case of Daiber for the purpose of storing the dolls and carrying the case easily.

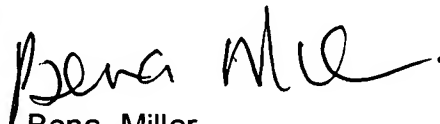
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bender teaches a portable and storable doll. Allen et al teaches a figure toy play kit. Coleman et al teaches a dollhouse within a dollhouse. Lish teaches a soft foldable toy. Taylor teaches a portable puppet theater systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bena Miller", with a stylized flourish at the end.

Bena Miller
Examiner
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bbm
June 14, 2004